



In the  
Indiana Supreme Court

MATTER OF TERMINATION OF	)	Court of Appeals Cause No.
PARENT-CHILD RELATIONSHIP OF	)	71A05-0905-JV-261
A.K.; A.S. and O.K.,	)	
Appellants,	)	
	)	
v.	)	
	)	
INDIANA DEPARTMENT OF CHILD	)	
SERVICES,	)	St. Joseph Probate Court Cause No.
Appellee.	)	71J01-0712-JT-169

## ORDER DISMISSING TRANSFER PETITION

The Indiana Department of Child Services (DCS) filed a petition to terminate the parental rights of A.S. and O.K. The trial court granted that petition and issued an order terminating parental rights. While this appeal was pending, the Court of Appeals ordered the trial court “to enter a revised final order that contains complete findings of fact and conclusion of law that are fully supported by the evidence and that provide an explanation as to how its factual findings support its order.” Matter of Termination of Parent-Child Relationship of A.K., 924 N.E.2d 212, 217 (Ind. Ct. App. 2010). After the trial court revised its final order, the Court of Appeals affirmed the trial court’s revised order. *Id.* at 224.

DCS then filed a petition to transfer under Indiana Appellate Rule 57, inviting this Court to address whether a trial court hearing a parental rights termination case is required to make findings as required by the Court of Appeals in this case.

Appellate Rule 57 applies to a petition “to transfer an appeal from the Court of Appeals to Supreme Court after an *adverse* decision by the Court of Appeals.” App. R. 57(A) (emphasis added). It provides that transfer may be sought “from *adverse* decisions” issued by the Court of Appeals in the form of a published opinion, memorandum decision, any amendment or modification of a published opinion or memorandum decision, or an order dismissing an appeal. App. R. 57(B) (emphasis added.)

DCS does not allege that the opinion of the Court of Appeals was adverse to it. In fact, DCS acknowledges that the Court of Appeals' opinion was "in DCS' favor." (Trans. Pet. at ii n.5.) In the absence of any showing that the opinion is adverse to the party seeking transfer, the Court **DISMISSES** the transfer petition. The Clerk is directed to certify the Court of Appeals' opinion immediately in accordance with Appellate Rule 65(E).

The Court directs the Clerk to send copies of this order to all counsel of record and to post a copy of this order to the Court's website.

Done at Indianapolis, Indiana, this 21<sup>st</sup> day of June, 2010.

RT Shepard

Randall T. Shepard  
Chief Justice of Indiana

All Justices concur.